3: Boelaert ; E-5 (no date) 1940 FO32 Mongo FO32
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Nkundo Society
[De Nkundo-Maatschappij]

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Kongo-Overzee, Vol. VI, pp. 148-161, 1940

Translated from the Flemish by Helen N. Sprey

Human Relations Area Files

1959

[Title Page]

[148]

NKUNDO SOCIETY

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Introduction

000 All of White civilization is in search of a "new order," a reorganization of society. The disrupting forces that broke through in the French Revolution have destroyed all of the intermediary parts and all of the subordinate organs of the social body, and all of their rights and duties have been concentrated in the impersonal State, which alone still has power and leadership over all free and equal individuals.

Having been brought up with such a conception, whose insufficiency and injustice we are learning to realize very slowly, it is only with great difficulty that we can form a correct idea of what an organized society ought to be. The attempts to create organizations of workers and of social status groups and to bring about a corporative arrangement have absorbed all of the social powers for almost a hundred years. The question of how we can make the family once more the nucleus of the community is still scarcely touched on, while the problem of nationality groups has turned Europe into a volcano. And still the question of the new order will only find its solution when justice is done to each of these forces: ethnic (family and nationality), economic (job, social and economic class), and political (form of government).

It is, therefore, not surprising that it is difficult for us to obtain true insight into a society that clashes completely with the ideas that prevail among us; that we too easily considered stupid, primitive, and barbaric that which we did not understand, because it went against our own faulty conceptions; that we thought [149] we were serving civilization by dismantling the naturally organized societies, with only the aim of making them like ours; that we confused natural law with our own positive law and civilization, with our own decadent customs. In the presence of the natives, we completely forgot the imperfection and "growing disorganization" of our own society and made it into an indisputable ideal for their "elevation."

121 The question about the real structure of the native society begins to be asked only now that it has been brought completely to the tottering point. The question as to whether that society is, in its foundations or basic elements, really in conflict with natural law, the general welfare of mankind, and faith -- the question, thus, of the right of that society to exist -- is still shoved aside in favor of the supposed duty of the moment: to make that society like ours.

In this article, I have tried to outline the social order of the Nkundo [Nkundu] -Mongo as clearly as possible, in order to find an answer to the last question.

1. The Ethnic Clan

When we keep saying that the family is the nucleus of the community, we are ultimately merely clutching a legal fiction, or rather, we say what it ought to be. In fact, the family is, among us, only the producer of individuals who play their role in the community. The family, as such, is neither socially nor legally nor politically an intermediary, a mediator, between the individuals and the higher organs of the society.

b13 Second, the nuclear family has, in our society, developed into a completely separate conception, compared to the extended family. The patriarchal household, the model of which Le Play portrayed, or the extended family, has completely disappeared. Among the Nkundo-Mongo, on the contrary, it is precisely the patriarchal family which, in the most absolute sense, is still the nucleus of the community and the foremost independent organ of that community.

Most often, this extended family is designated by the term "clan," to which vaguely different characteristics are attached: [150] blood relationship, totemism, exogamy, community of property, and others. One speaks of ethnic (patriarchal or matriarchal), legal, exogamic, and political clans, without further giving a clear description of these concepts.

The ethnic clan includes all of the persons who are descended in the male line from a particular ancestor. It is his descent in the male line from that particular ancestor which ties each Nkundo to that clan. Each ethnic clan has its own name, which is indicated in our society by the family name. When the Nkundo wish, however, to indicate that name,

613 they always refer to their descent from the ancestor-founder: "We are baseka Ngoi (descendants of Ngoi; we belong to the clan of Ngoi)."

Naturally the Nkundo-Mongo know very well that all the Mongo clans are descended from a common ancestor. They even believe in the common descent of all people. However, in clan unity they only go back to that ancestor who made their group legally autonomous, who made himself independent.

To that group belong, thus, all the children of that founder, all of the children of his sons, all of the children of his grandsons and great-grandsons; thus, all those who keep the same family name in our society.

The Nkundo-Mongo call the clan from the father's side their wise, from ise (father). The children of the lawfully married daughters belong to another wise, since they go back on their father's side to another ancestor. However, children of an unmarried daughter of the [848] clan continue to bear their mother's name, and thus belong to the wise of the mother, just as, in our society, they take on the family name of the mother.

Married women, however, continue ethnically to belong to their own paternal clan and do not form part of the wise of their husband.

2. Kinship Terms in the Paternal Clan

601 613 All of the living members of the paternal clan constitute one extended family. In the bosom of that one family, all members of the same /151/ generation also bear the same title. All of the members of the grandfather's generation are grandfathers. All the members of the father's generation are fathers, also including the female members. Thus, the sisters and female cousins of the father who belong to the wise are all called "female fathers": isomoto or faomoto (from ise or fafa, father, and bomoto, woman). All of the older brothers and male cousins of the wise are batomolo; all younger brothers or male cousins of the wise are bakune; all sisters or female cousins of the wise are nkana. All of the children of brothers and male cousins, and also all of the children of sisters and female cousins who remain in the wise, are bana (children).

601 561 613 Such terms are to us, of course, a never ending source of mistakes, complications, and ridicule. The native cannot possible understand this and underneath takes it very much amiss. Socially, legally, and

601 politically, his whole society is, in fact, based on those relationships
561 which are incomprehensible to us. Indeed, the order of duty and re-
613 sponsibility, of authority and honor, are socially, legally, and politically determined by the order of birth. That order is determined by generation, and within the generation, by age: from the oldest father down the whole line of fathers to the oldest "child" in the whole row of children. The children of your older brother, even if they are younger in years, go before your own children. As we shall see later, the female members of the family, who practically fall outside this order, recover their place of honor through their sons.

613 From this short description of the paternal clan, it is immediately apparent that the clan is not a geographical concept among the K Nkundo. Wherever the daughter may marry, wherever the son may wander in service to the Whites, that person always and everywhere continues by law to belong to his wise, and he remains bound to all the rights and duties of his place in that community.

602 It also appears that clan and blood relationship do not come any-
613 where near to blanketing each other. Each "blood relationship" of the Nkundo extends itself over various paternal clans, since the blood relations of the mother, as well as the descendants of all the other women of my wise who are lawfully married out of the clan, belong to another wise.

/152/ 3. Inheritance in the Clan

613 Each clan has possessions that constitute the inheritance or patrimony
421 of the members, the domain of the family. These goods are of two kinds: economic and dotal. The former are subdivided into real property, or inalienable property, and personal property.

613 The real property of the clan consists of land and waters. The land
423 is divided into: arable land, land for gardens, and hunting areas. These constitute common property, whose cultivation or usufruct is divided among the members of the clan: each one receives his garden land and hunting ground to clear; as soon as the user leaves it, that ground is free again for the community. Palm groves, of course, also remain common property of the members. A similar arrangement applies to water rights. Larger fishing areas remain common property and are, under the leadership of the clan head, communally exploited. Smaller fishing grounds, creeks, ponds, etc., are allotted to each

member. In the case of common use or of an exceptionally good yield (large game, a rich haul of fish, large yield from a particular cultivation of common property, such as palm beer), these are divided by the clan leader and their respective shares allotted to all members.

Personal property consists of the hut and the tools of the man, the furniture of the woman, and the domestic animals. These are movable and can also go out of the clan through inheritance. Should they leave their husbands, married women may taken with them whatever they have received or inherited personally from their wise.

In contrast to the economic property of the clan, there is the dotal or capital property, the marriage settlements, which do not have economic, but only legal value. They represent the rights over people. In the first place we find those persons who themselves are the source of rights: the marriageable girls (bibunanyi) of the clan /A/ and the substitutes for women married into the clan /A/—that is, the women who are married into the allied clan /B/ with the acquired bride price (nkita). /Ed. Clan A pays bride price for a woman from clan B, the allied clan. Then clan B uses this acquired bride price to obtain another woman in marriage, a "substitute." This substitute is nkita to the original woman./ In addition, there are the slaves who can replace a caput. In the second place, there are the titles which represent a caput: the /153/ so-called dotal securities (baumba). These dotal securities or titles are kept by the clan leader and, with the knowledge of his immediate successor, hidden somewhere in the ground. With the approval of the clan council, he may also lend them out. These dotal possessions or rights are also common property of the clan and are used to procure a wife for the clan members, each in his turn.

The common ownership of the economic property makes possible the difficult sharing of woods and river, prevents the cutting up of the property, hinders the impoverishment and the proletarization of the poor, and insures the livelihood of all of the clan members. This common ownership has nothing more to do with communism than the common ownership of property in our nuclear families.

The dotal or capital property, the bride price titles, which have perhaps aroused the most indignant and lofty compassion of our civilized world, have less to do with buying and selling the wife then our own dowry and class system. They are permanent legal titles of the contract which is made between the clans of the couple on the occasion of the marriage. Our individualistic liberalism and mercantilism have regarded these legal securities only through economic spectacles and

421 613 have seen them as money transactions. We have obtruded our point of view and destroyed the whole legal system of the natives. It is through our materialization of those securities that we have lowered the native woman to a plaything of money and a piece of merchandise.

586 595 As for the two outgrowths of the native system, divorce and polygamy, neither is inherent in the legal system as such. They are only abuses which have taken root and which clash with the principles of the native law itself. By its nature, native marriage is also indissoluble, and polygamy has only been able to exist through a popular confusion between paternal and marital law.

4. Legal Power in the Clan

613 627 In Nkundo society all individuals do not have equal rights or powers, as in the Napoleonic law books, /154/ but the natural rights concerning people are still completely recognized. All value and power comes from God, through the ancestors. Those who are nearest to God are thus the highest in position, his first representatives. There is no question of absolutism or despotism. Just as the blood is divided among all clan members in a descending line, so also are authority and legal power. They are one as a legal entity in relation to the outside world; nevertheless, each member takes part and has a vote in the internal administration of justice, so that, when clan interests are discussed and dealt with, each member may sit in the place accorded to him and take part in decisions. In a legal sense there is, therefore, no question of a separate family council, which would assist the clan leader, but all decisions are made communally.

594 627 A single exception to this does exist, namely, that which gives the head of the nuclear family legal power over his wife and children, and then only with the acknowledgment and approval of the clan. Differences between autonomous clans are settled by the clans involved, a sort of international court of law where friendly clans may also be brought in as arbiters.

627 Such an arrangement made the court absolutely "paternal." The whole procedure was one of a reconciliatory character, which resorted to coercive measures only when necessary, and did its utmost to save the honor and the welfare of the involved clans, and to compensate for, to restore, and to prevent further offenses.

177 Although even St. Thomas teaches that the only natural authority is that of the head of the family, European legislation has, through ignorance, completely abolished the rights of the native family head; the wife is freed from all ties and is thus abandoned to licentiousness. Through a legal fiction, clan law has gone over into the hands of the "recognized native courts of justice," which, however, have just as much to do with the clan court as a policeman with a father. The communization of trade, education, and the rearing of the young, as is demonstrated to us by Russia, would revolutionize our society far less than our installation of these so-called native courts of justice has done in the Congo. Education and correction have been replaced by punishment. Politics, which have begun to play such an all-important
602 role in our society, had /155/ almost no importance in Nkundo society.
613 The neighboring clans were all connected with each other through blood relationship, intermarriage, or friendship ties. Only when there was a struggle against a foreign and common enemy did politics have a role to fulfill. And then the same order of rank was observed among the clans as was already indicated for the members of a single clan.

177 Here also, biased or romantic products of our ideas about barbarism
728 have adapted these so-called intertribal wars to the need that we felt,
622 to civilize the natives at any cost. These wars were not to be compared with our European wars, in which a mass of people are slaughtered. In the Congo, no sooner had wounded or dead fallen on both sides than the chiefs were already congregated to conclude a peace treaty. Here again, we meant to respect the political organization of the natives by the creation of chieftainships and native chiefs, who were to form the political-administrative link between the native clans and the European higher administration. Such chiefs were totally unknown in native society. Together with the establishment of the native courts, the establishment of chieftainships gave the death blow to the actual social organization of the Nkundo-Mongo. The very fact that these institutions are territorial demonstrates clearly that here no ordinary sh[illegible]ing of power has taken place, but simply an elimination of the traditional power in favor of a new colonial power.

177 Indeed, where formerly the "customary rightful chief" was sought
622 out, even though it was sometimes only a formality, the new formula of the "sectors" has relieved the higher administration from this care too. And it is only to be hoped that this new formula will at least do away with the legal fiction that the "chiefs" are actually "something native," so that they may be classified for once and for all in the

177 category of civil servants. In this manner they would fall under the
622 written law and could be obliged to practice monogamy, whereas now nearly all of the "native chiefs" are precisely the maintainers and promoters of polygamy. If this had /156/ been enforced from the start, then polygamy, instead of spreading, would have virtually disappeared from the native society.

5. Splitting of the Clan

613 After all that has been said before, it must be rather apparent how an autonomous clan can split up and, thereby, form two autonomous clans.

When a clan has expanded too far, its leaders cross over the boundaries of blood relationship, and offenses against the law of exogamy occur. When such offenses are multiplied, further separation is gradually aimed at to make marriages possible. Such a situation between two parts of the same clan, who are striving for "legal autonomy," is called lonkana, a term that signifies that unlawful relations exist between the two. It generally occurs between member groups that have the same male ancestor, but not the same female ancestor—that is, they are issue from different wives of the same founder.

Another cause of splitting is the voluntary or obligatory withdrawal of one of the members. When he establishes himself outside, begets a sizeable progeny, and acquires a patrimony of his own, the relations with his own clan become less frequent; and the separated fraction gradually begins to settle smaller lawsuits, to maintain its own graveyard, to bury the umbilical cords of its children in its own territory, to take on its own name, and to refer to its own founder.

Often also at the source of this estrangement lies the refusal of a certain fraction of the clan to submit to the authority of the clan members.

6. Legal Dependents

613 Until now we have spoken only of the ethnic clan: of the members
614 who belong to it through descent. They /157/ are the sole bearers of
608

613 authority (mpifo). Each clan can, however, also take in other persons
614 who fall outside the order of authority, but who legally belong to the
608 clan. Along with the real descendants, they make up the legal clan.

These are, in the first place, the wives who have married into the clan, the children brought with them (mbusola), and the lawful housekeepers. In addition, there are the clients who have been taken in; then the war prisoners and slaves; and finally the Pygmies. The women married into the clan are naturally separate, as are also the Pygmies who form a completely separate community. The others are gradually treated as children, receive their part in the general responsibility and protection, their place in the court session, etc. Depending on the degree to which they develop in the bosom of the clan which has taken them in, they can constitute a separate group in it, which becomes more and more independent.

7. The Maternal Clan

602 Each Nkundo has a double "fatherland": his wise and his bonyango.
613 The bonyango is the paternal clan of his mother. His mother gave birth to him there; her blood relations live there and receive him with motherly love and will protect him against all difficulties; he has often passed a large part of his happiest childhood years there; and there he can always find a safe shelter when, for one reason or another, he might lose the paternal clan.

The structure of the maternal clan naturally resembles that of the paternal clan in every way. If we treat it specially here, it is not in order to speak of the form, but only to point out the specific rights that each person has in his maternal clan.

601 Just as all of the brothers and sisters of my father are my "fathers,"
602 so all of the brothers and sisters of my mother are my "mothers."
613 Mother's brother, that is, my maternal uncle, I call ngompame, nyangompame. All the nephews and nieces on the mother's side are my "children." A special tie binds me to the children of the nkita of my mother, that is, to the children of the women who was acquired by the maternal clan with the bride price /158/ that had been paid for my mother by my wise. Mother is, thus, the nkolo, the woman or mistress, of those children who call me their father.

602 As long as I continue to live in my own paternal clan, I have the
613 right to special care and love from the maternal clan. If I cannot find

602 sufficient dowry at home, then I can always go and appeal to my
613 maternal uncles who are obliged to help me insofar as they are able. I even have the right to the free dowry of one of the children of my mother's nkita. I may always lay out gardens and hunt in the territory of my bonyango, and take part in the court sessions of the maternal clan when they consider the allotment of the free dowries or the division of the inheritance. If, however, I wish to leave my father's clan and establish myself for good in the maternal clan, then I receive priority in everything over my male and female cousins and become heir and clan leader directly after my maternal uncles. This is, thus, a truly princely compensation for the so-called inferiority of the woman in native society: the child of the sister (bonankana) restores her gloriously to the honor and rank which are due her.

8. Related Clan: Likilo

602 Outside my paternal clan and outside my maternal clan, I still
601 have blood relations: namely, the children of my paternal aunt and of my sisters or female cousins, each of whom belongs to the clan of his own father. Just as the children of my mother's brothers are my children, so the children of my father's sister are also my fathers. I am, thus, in the same relationship to the children of my mother's brother as the children of my father's sister are to me.

As far as the children of my sister are concerned, they are also my real banankana and, therefore, the fathers of my own children.

The other members of the related clans (who are thus not blood relations) all share, according to generation, in the classification of immediate relatives: all the "fathers" of the husband are "fathers-in-law"; all the mothers, "mothers-in-law"; etc. There is this single big difference, that the "superiors" of the husband are also your "superiors." According to the opinions of the Nkundo, they are the only real relatives. Those on the husband's side are called bokilo; those on the wife's side, bokanga.

/159/ The "subordinates" of the husband are not real relatives and rightly call each other "husband" and "wife." In various legally
[582] defined circumstances, marriage relations and marriages are permitted between the latter.

It is unnecessary to repeat that all of the members of the reciprocal clans share in these relationships: the whole generation of a clan

602 member is, as it were, identified with that member, so that, for in-
601 stance, all younger sisters and female cousins of one spouse become "wives" of all the younger brothers and male cousins of the other spouse. One must really have the legal sense and the patience and the capacity for palaver and unravelling of an old Nkundo to make sense out all of these relationships. They themselves compare them, in fact, with the inextricable clew of the intestines of a sort of dwarf crocodile: besofo bya lokekele.

9. Exogamy

613 The term, "exogamic clan," often heard or encountered in writings,
582 is also, at least in the Nkundo-Mongo society, very misleading. The group of persons with whom marriage is forbidden does not constitute any common entity; it differs from person to person. Two half brothers can have the same paternal clan but differ in maternal clan; they can have the same maternal clan and different paternal clans. Marriages are forbidden for older brothers and sisters that are permitted for the younger ones. The rules differ from one blood relation to another, from blood relation with relative-by-marriage to blood relation with relative-by-marriage, from relative-by-marriage with relative-by-marriage to relative-by-marriage with relative-by-marriage.

If one still wishes to put the law of exogamy into European terms, then one might say: 1) blood relationship forbids marriage insofar as the blood relationship is recognized. This recognition varies from clan group to clan group. Sometimes in the same legal but extended clan, an exception is made to this recognition; mostly, however, the different autonomous clans which descend from the same distant ancestor are still bound by the law of exogamy. Generally, groups which have the same father but a different mother /160/ separate most quickly. 2) Relationship (other than blood) forbids marriage—insofar as the relationship is recognized between the parents of spouses; it sometimes permits marriage between children of spouses.

613 Here it should be observed once again, however, that the customs
582 differ from region to region as regards this recognition; that, for in-
184 stance, the stepson in many regions may marry his stepmother in a regular marriage; and that the violations are less severely judged and punished in proportion to the degree to which the forbidden relationships diverge.

10. Conclusion

182 Nkundo society was a fully alive, organic community. All of its organs functioned and were able to adjust continually to the changes in its life. Ethnically, socially-legally, and politically, they were open to every improvement. The organs with which it was built stood nearest to natural law and drew their rights and duties from it, and also the spirit which inspired them.

The facts prove that this society could survive. It arose at the source of the Lomako; in a short time it had extended itself peacefully over the whole central area of the Congo; it pressed eastward across the Lomami and Lualaba, and southward across the Kaisai /Kasai/-Sankuru, to occupy about a fifth of the present Congo at the time of the arrival of the Whites.

182 This society was open to all healthy influences and could adapt it-
177 self to all reasonable demands of civilization. It was, however, not reconcilable with what precisely is wrong in our European ideas about progress and civilization: elimination of all ethnic intermediary organs, equalization of all individuals, materialization of all life on the basis of economic competition, slave-like submission to the impersonal, unpaternal State, with that terrible pretense of freedom, of being able to do everything that is not forbidden by the State.

178 This suddenly attained freedom, which was accompanied by the
161 abolition of all the former joints of society, means the death of the Nkundo /161/ community, not only in its soul, its being, but also in its existence. The gradual depopulation, the dying out in the Middle Congo, has had repercussions now and then, even in government circles. "The Nkundo-Mongo population is melting away like snow before the sun," is the brief content of the last official report. The Waola, between the Ruki and the Ikelemba /rivers/, had in 1939 ninety deaths and three births. The official statistics of 1939 of the territory of Coquilhatville give one hundred adults for every twenty-four children. The official data of the same year for the Vicariate of Coquilhatville, with its 382, 736 inhabitants, give a ratio of 415 children to 1, 000 adults. According to these data, the whole population will be decreased by more than 50 percent by the following generation, thus dwindled to less than one-half.

Coquilhatville, 1939